

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Rigoberto Enrique Isaza,

**Plaintiff**

V.

Earl Marshal Trotter, et al.,

## Defendants

15-cv-00632-JAD-GWF

## **AMENDED Order Adopting Report and Recommendation and Dismissing Complaint with Prejudice**

[ECF Nos. 24, 28]

10 Pro se Nevada state prisoner Rigoberto Enrique Isaza sues his step father Earl Marshal  
11 Trotter and Farmers Insurance for civil-rights violations under 42 U.S.C. § 1983. Isaza alleges that  
12 Trotter defrauded him out of his share of the rental income from the family house and that Farmers  
13 Insurance and Trotter breached Isaza's mother's will. Magistrate Judge Foley screened Isaza's  
14 amended complaint and recommends that I dismiss it with prejudice because Isaza has not pleaded  
15 any facts to show that Trotter or Farmers were acting under color of state law or that these  
16 defendants deprived him of a right secured by the Constitution or the laws of the United States.<sup>1</sup>

17 Isaza’s timely objections<sup>2</sup> do not cure the deficiencies identified by the magistrate judge.  
18 Isaza conclusorily argues that the breach of his mother’s will is a constitutional injury, that he has a  
19 constitutional right to inheritance from his mother, that defendants have violated federal probate  
20 laws, and that Farmers Insurance “acts under state laws.”<sup>3</sup> Isaza still offers no facts to show that his  
21 federally established rights were violated or that the defendants acted under color of state law. I  
22 therefore adopt Magistrate Judge Foley’s report and recommendation and dismiss Isaza’s claims for  
23 failure to state a claim. And because Isaza has previously been granted leave to amend and I find  
24 that amendment would be futile, this dismissal is with prejudice, and I direct the Clerk of Court to

26 | <sup>1</sup> ECF No. 24.

27 || <sup>2</sup> ECF No. 28.

28 | <sup>3</sup> *Id.*

1 close this case.

2 **Conclusion**

3 Accordingly, with good cause appearing and no reason to delay, IT IS HEREBY ORDERED,  
4 ADJUDGED, and DECREED that **Magistrate Judge Foley's report and recommendation [ECF  
5 No. 24] is ADOPTED, Isaza's objections [ECF No. 28] are OVERRULED, and this case is  
6 dismissed with prejudice.**

7 The Clerk of Court is instructed to enter judgment accordingly and CLOSE THIS CASE.

8 Dated this 6th day of June, 2016.

9 \_\_\_\_\_  
10 Jennifer A. Dorsey  
United States District Judge  
11 \_\_\_\_\_  
12 \_\_\_\_\_  
13 \_\_\_\_\_  
14 \_\_\_\_\_  
15 \_\_\_\_\_  
16 \_\_\_\_\_  
17 \_\_\_\_\_  
18 \_\_\_\_\_  
19 \_\_\_\_\_  
20 \_\_\_\_\_  
21 \_\_\_\_\_  
22 \_\_\_\_\_  
23 \_\_\_\_\_  
24 \_\_\_\_\_  
25 \_\_\_\_\_  
26 \_\_\_\_\_  
27 \_\_\_\_\_  
28 \_\_\_\_\_